



PRESS RELEASE

AG Frosh: Experienced Counsel Will Aid Maryland to Pursue MTBE Contamination Claims

Gasoline additive that leaks into groundwater trigger costly clean-up

Baltimore, MD (January 27, 2016) --Attorney General Brian E. Frosh announced today that a consortium of expert law firms will join the Maryland Office of the Attorney General in pursuing claims against petroleum manufacturers who used a chemical additive that contaminated groundwater throughout Maryland.

The team of firms retained by the state has significant experience in investigations and litigation related to methyl tertiary butyl ether, or MTBE. Gasoline manufacturers added MTBE to their products between 1995 and 2001 to make fuel burn cleaner. But when MTBE-laced fuel leaks from storage tanks and comes in contact with water supplies, the chemical readily bonds with water and leads to foul smelling and tasting drinking water. The Environmental Protection Agency considers MTBE a suspected carcinogen.

Maryland has identified more than 12,000 leaking underground storage tanks, most of which hold gasoline. The Maryland Department of the Environment has identified nearly 700 contaminated private wells in the state, and more than 200 water systems throughout Maryland have also recorded chemical contamination.

The cost of cleanup, including filtration and other options, ranges from hundreds of thousands of dollars into the millions.

"The companies that caused this contamination should be held responsible for their actions," Attorney General Frosh said. "This legal team has the expertise and the ability to make Maryland whole from this environmental damage, and to ensure accountability. We are enlisting the resources we need to protect the public."

The Office of the Attorney General conducted a competitive process to retain outside counsel, and selected the team of Berger and Montague, P.C.; Miller and Axline, P.C.; and Law Offices of John K. Dema P.C. The three firms jointly represent the State of New Jersey in MTBE litigation; and two of the firms jointly represent the Commonwealth of Pennsylvania.

Under a contingency fee agreement, the firms would receive a percentage of the amount recovered, ranging from a low of 1 percent to a high of 22.5 percent, depending on the amount of money recovered and the stage of the investigation and litigation when a resolution is reached.